

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Boston Edison Company Cambridge Electric Company Commonwealth Electric Company d/b/a/ NStar Electric

M.D.T.E. 03-121

REPLY OF THE E CUBED COMPANY, LLC AND THE JOINT SUPPORTERS
TO NSTAR ELECTRIC'S RESPONSE TO PETITIONS TO INTERVENE

Co-Energy America, Inc., Predicate LLC, The National Association of Energy Service Companies ("NAESCO"), Siemens Building Technologies, District One, The E Cubed Company, L.L.C. ("E Cubed"), Energy Concepts Engineering PC, Dgsolutions LLC, Allied Utility Network, LLC, and the Pace Law School Energy Project (collectively, the "Joint Supporters") submit this reply in support of their petitions for intervention and participation, as set forth below. This filing supplements the petition for intervention filed on February 3, 2004, by E Cubed, on behalf of itself and the Joint Supporters.¹

Petitioners

The Joint Supporters

1. Co-Energy America, Inc. (161 Kuniholm Drive, Bldg. 5, Holliston, Massachusetts, 01756) is a distributed generation-services provider that focuses primarily on educational institutions. It sells and services cogeneration units in Massachusetts and throughout the rest of New England.

¹ On February 10, 2004, NStar Electric filed an opposition to various petitions to intervene, including that of E Cubed and the Joint Supporters, arguing that E Cubed and the Joint Supporters should be granted limited participant status. At a procedural conference on February 10, 2004, the Hearing Officer granted E Cubed and the Joint Supporters until Friday, February 13, 2004, to clarify their petition and obtain counsel.

2. NAESCO (1615 M Street, NW, Ste. 800, Washington, D.C. 20036) is an association of approximately 110 organizations that include firms involved in the design, manufacture, financing and installation of energy efficiency equipment and the provision of energy efficiency services in the private and public sectors. Several of these firms carry out long-term guaranteed performance and energy efficiency contracts with customers in the NStar service areas.

3. Siemens Building Technologies, District One (85 Northpointe Parkway, Ste. 8, Amherst, NY 14228) is a distributed generation-services provider with existing performance contracts and proposed projects in western Massachusetts which will be directly impacted by any precedents established in this docket.

4. The E Cubed Company, L.L.C. (215 East 79th Street, New York, NY 10021) provides strategic energy services in Massachusetts and throughout the United States and Canada, including assistance in deploying distributed energy resource investments.

5. Predicate LLC (1 Post Office Square, Sharon, Massachusetts, 02067) provides energy services consulting to utilities, government agencies, corporations, and trade associations. Its principal founded a company that Boston Edison Company acquired as its ESCO subsidiary.

6. Energy Concepts Engineering, PC

7. (3445 Winton Place, Ste. 201, Rochester, NY 14623) provides engineering services to customers and potential customers of distributed generators, including clients developing projects in NStar service areas.

8. Dgsolutions LLC (706 Chester Avenue, Moorestown, NJ 08057) provides engineering services to customers and potential customers of distributed generators.

9. Allied Utility Network, LLC (3910 Gallant Fox Court, Duluth, Georgia, 30096) is a distributed generation and other energy services provider to residential, commercial,

institutional, and industrial end-users across the country. Present customers number approximately 500,000.

10. The Pace Law School Energy Project (78 North Broadway, White Plains, New York, 10603) is a research and policy institution for the advancement of clean distributed generation and combined heat and power systems.

Interests of the Petitioners

11. Co-Energy America, NAESCO, and Siemens Building Technologies seek to intervene as parties in this proceeding. E Cubed, Predicate, Energy Concepts Engineering, Dgsolutions, Allied Utility Network, and the Pace Law School Energy Project seek limited participant status.

12. Co-Energy America and members of NAESCO are each actively pursuing distributed generation sites and contracts in the NStar service area. Siemens Building Technologies is actively pursuing sites and contracts in Western Massachusetts.² They will be substantially and directly affected by the outcome of this proceeding because under the terms of some of the contracts they have entered or are seeking to enter, they bear the price risks of the proposed standby charges.

13. Co-Energy America, NAESCO, and Siemens Building Technologies propose to propound information requests, present evidence, cross-examine witnesses, and file briefs as intervening parties.

² In this regard, Siemens Building Technologies is no different from Massachusetts Electric Co. and Western Massachusetts Electric Company, “out-of-territory” providers whose intervention petitions NStar did not oppose.

14. In the event the Department does not grant intervenor status to Co-Energy America, NAESCO, and Siemens Building Technologies, they seek to be granted limited participant status.

15. E Cubed, Predicate, Energy Concepts Engineering, Dgsolutions LLC, and the Pace Law School Energy Project seek to be entitled to receive pleadings, attend hearings, and file briefs.

Respectfully submitted,

CO-ENERGY AMERICA, INC., PREDICATE
LLC, NAESCO, SIEMENS BUILDING
TECHNOLOGIES, THE E CUBED COMPANY,
L.L.C., ENERGY CONCEPTS ENGINEERING,
DGSOLUTIONS LLC, ALLIED UTILITY
NETWORK, LLC, and the PACE LAW SCHOOL
ENERGY PROJECT

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Dated: February 13, 2004

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the attached Reply of The E Cubed Company, LLC and the Joint Supporters to NStar Electric's Response to Petitions to Intervene to be sent by first class mail to all of the persons named on the service list in the above-referenced proceeding this ____th day of February, 2004.

Michael D. Vhay